

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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LITIGATION

This Document Relates To:

Case No. 18-cv-01776-JRT-JFD

THE DIRECT PURCHASER
PLAINTIFF ACTION

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THEIR MOTIONS TO EXCLUDE
THE TESTIMONY OF CLASS PLAINTIFFS' EXPERTS**

Defendants¹ respectfully submit this notice of supplemental authority to identify a recent decision relating to their motions to exclude the expert testimony of Class Plaintiffs' experts Dr. Russell Mangum, Dr. Hal Singer, and Dr. Michael Williams. Dkt. 1449, 1453, 1466.

On September 30, 2022, in *Persian Gulf Inc., et al. v. BP West Coast Prods. LLC, et al.*, No. 3:15-cv-01749-JO-AGS (S.D. Cal.), a putative class action alleging a conspiracy to fix gas prices in California in violation of *inter alia* Section 1 of the Sherman Act, the Honorable Jinsook Ohta granted defendants' motion to exclude the testimony of plaintiffs' experts, Dr. Michael Williams and Dr. Paul Hanouna, on the issue of causal antitrust injury.

¹ "Defendants" refers to the following companies: Agri Stats, Inc. ("Agri Stats"); Clemens Food Group, LLC, Clemens Family Corp., and Hatfield Quality Meats (collectively, "Clemens"); Hormel Foods Corp., and Hormel Foods, LLC (collectively, "Hormel"); JBS USA Food Company ("JBS USA"); Seaboard Foods LLC ("Seaboard"); Smithfield Foods, Inc. ("Smithfield"); Triumph Foods, LLC ("Triumph"); and Tyson Foods, Inc., Tyson Fresh Meats, Inc. and Tyson Prepared Foods, Inc. (collectively, "Tyson").

Judge Ohta held that both experts' forecasting regression analyses were inadmissible because they rested on the selection of benchmark periods neither grounded in econometric principles nor the record, making those analyses insufficiently tied to the facts of the case. A copy of the opinion is attached hereto as **Exhibit A**. Judge Ohta's analysis of the motions to exclude the testimony of Drs. Williams and Hanouna is at Pages 82-97 of the opinion.

Dated: October 10, 2022

Respectfully submitted,

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